UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,470	12/15/2003	Steven Tischer	030536 (BLL-0162)	3487

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EXAMINER
LEVINE, ADAM L

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/736,470	TISCHER, STEVEN
	Examiner	Art Unit	
	Adam Levine	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Applicant filed this application on December 15, 2003, with claims 1-21. Claims

22-25 were filed by preliminary amendment on December 2, 2004. Claims 1-25 are

examined in this non-final office action.

Specification

The specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting

any errors of which applicant may become aware in the specification.

Claim Objections

Claim 18 is objected to because of the following informalities: "one of a

computer, a cellular phone, and a digital video recording device," should be changed to

"one of either a computer, a cellular phone, or a digital video recording device."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by

Herz (US Patent No. 6,029,195).

Herz teaches all the limitations of Claims 1-25. For example, Herz discloses a

system for comparing attributes of multiple data sets to determine similarities and then

create new data sets based on the similarities. Examiner cites particular columns and

line numbers in the reference as applied to the claims below for the convenience of the

applicant. Although the specified citations are representative of the teachings in the art

and are applied to the specific limitations within claims, other passages and figures may

apply as well. It is respectfully requested that, in preparing responses, the applicant

fully consider the reference in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed

by the examiner. Herz further discloses:

- <u>determining when the entity selects a first service or product</u>: generating a first

    data set having a first attribute associated with the first service or product (see at

    least abstract, fig.10); first device configured to determine whether the entity

    purchases, submits an order for the first service or product (see at least column 5

    lines 36-45, column 18 line 40-column 19 line 7, column 68 lines 5-10, column 77

    lines 17-47); a first network device generates the first data set (see at least

    abstract, fig.1,2); a first device configured to determine when the entity selects a

    first service or product and generating a first data set having a first attribute

    associated with the first service or product (see at least abstract, fig.1,2,10,12);

first device comprises one of a computer, a cellular phone, or a digital video recording device (see at least fig.1,2).

- determining when the entity selects a second service or product: generating a second data set having a second attribute associated with the second service or product (see at least abstract); a second network device generates the second data set (see at least abstract, fig.1,2); a second device configured to determine when the entity selects a second service or product and generating a second data set having a second attribute associated with the second service or product (see at least abstract, fig.1,2,10);

- generating a third data set based on the first and second attributes: when a portion of data associated with the first attribute is substantially similar to a portion of data associated with the second attribute (see at least abstract, column 5 lines 6-20, column 26 lines 2-21); a third network device generates the third data set (see at least abstract, figs.1,2); a third device configured to generate a third data set based on the first and second attributes when a portion of data associated with the first attribute is substantially similar to a portion of data associated with the second attribute (see at least abstract, figs.1,2,10; column 5 lines 6-20, column 26 lines 2-21); third device is operably associated with a grid computer network (see at least abstract, figs.1,2); third device comprises a computer server communicating with the first and second devices (see at least figs.1,2); associating at least a first attribute of the first historic data set with at least a second attribute of the second historic data set, the first attribute being

substantially similar to the second attribute and generating a third dynamic data

set based on at least one of the first and second attributes of the first and second

historic data sets (see at least abstract, figs.1,2,10; column 5 lines 6-20, column

26 lines 2-21).

- <u>the data associated with the first attribute comprises textual data</u>: and the data

    associated with the second attribute comprises textual data (see at least

    abstract, column 5 lines 6-20, column 9 lines 19-30, column 77 lines 17-47);

    generating the third data set based on the first and second attributes includes

    determining whether at least a portion of the textual data of the first attribute is

    identical to at least a portion of the textual data of the second attribute and

    forming the third data set having a third attribute containing at least a portion of

    textual data from one of the first and second attributes (see at least abstract,

    column 5 lines 6-20, column 77 lines 17-47).

- <u>entity comprises one of a person or a group of people</u>: (see at least abstract,

    column 9 lines 31-42. Please note: the identity of the entity has no functional role

    in the method and a person or group of people are themselves not patentable

    subject matter.).

- <u>A storage medium encoded with machine-readable computer program code for</u>

    <u>generating data sets associated with an entity</u>: (see at least column 9 lines 19-

    30).

- <u>generating a plurality of historic data sets by monitoring activities of a legal entity</u>:

    (see at least fig.10, column 77 lines 17-47); identifying a plurality of attributes

contained in the plurality of historic data sets (see at least figs.5,10, column 77

lines 17-47); determining a plurality of values wherein each value is associated

with one attribute of the plurality of attributes and corresponds to a number of

historic data sets of the plurality of historic data sets containing the one attribute

(see at least fig.12); determining a plurality of dynamic data sets containing the

attributes wherein the plurality of dynamic data sets are ranked based on the

plurality of values (see at least abstract, fig.12, column 18 line 40-column 19 line

7, column 19 line 29-column 20 line 22, column 77 lines 48-67); iteratively

generating the plurality of historic data sets by monitoring activities of the legal

entity (see at least abstract, figs.5,10; column 20 line 47-column 21 line 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Guheen, US Patent No. 6,473,794 (Oct. 29, 2002); Teaches the indexing of

  components in an existing framework in order to plan the testing of components

  for many purposes, including for use in identifying alliances, and in conveying

  information pertaining to relationships between products and services and the

  components indexed.

- Van Luchene, US Pub. No. 2004/0138953 (July 15, 2004); Teaches tracking

  purchases and receiving information pertaining to transactions in order to

  determine supplemental products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pond can be reached on 571.272.6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adam Levine
Patent Examiner
March 24, 2006